

Remarks

Claims 1-26 were pending in this application. Claims 7, 9, 13, 14, 15, 18, 22, 23 and 26 have been canceled. Claims 1, 10 and 19 have been amended. Accordingly, claims 1-6, 8, 10-12, 16-17, 19-21 and 24-25 are pending.

Claim Objections

Claims 9, 18 and 26 are objected to as being dependent upon rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, claims 7 and 9 have been added to claim 1, claims 13, 14, 15 and 18 have been added to claim 10 and claims 22, 23 and 26 have been added to claim 19. Accordingly, the Applicant has proceeded as requested by the Examiner and the Applicant believes the pending claims are in condition for allowance.

Claim Rejections Under 35 USC §101

Claim 19 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 20-26 are rejected for failing to remedy the deficiencies of the above rejected non-statutory claim 19.

Claim 19 has been amended to add detail to the computer system, specifically, a processor being configured according to computer executable code. The claim is now focused on the processor being configured to execute computer executable instructions, where the processor is a physical object. Accordingly, the applicant believes that the section 101 rejection has been addressed and that it should be withdrawn.

Claim Rejections Under 35 USC §102

Claims 1-3, 4-13, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by *Kimmel et al.*, US Patent No. 6,105,053 (“Kimmel”). Claims 11-17 and 20-25 are rejected for the same reasons as the claims above.

Claim 1 was amended to add the limitations of claim 7 and 9 to claim 1, claims 13, 14, 15 and 18 have been added to amended claim 10 and claims 22, 23 and 26 have been added to amended claim 19. Accordingly, the Applicant has proceeded as suggested by the Examiner. In addition, as the dependent claims contain the limitations from the independent claims and these limitations are not in the cited references, the same limitations are not in the

dependent claims. Thus, as indicated by the Examiner, the Applicant believes the amended pending claims are in condition for allowance.

CONCLUSION

In view of the above amendment and arguments, the Applicant submits the pending application is in condition for allowance and an action so indicating is respectfully requested.

The Commissioner is authorized to charge any fee deficiency required by this paper, or credit any overpayment, to Deposit Account No. 13-2855, under Order No. 30835/40420, from which the undersigned is authorized to draw.

Dated: June 27, 2008

Respectfully submitted,

By /W. J. Kramer #46,229/
William J. Kramer
Registration No.: 46,229
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicant